

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN THE MATTER OF THE COMPLAINT
OF AMI PROFESSIONAL GROUP, INC.
d/b/a ANNA MARIA ISLAND DOLPHIN
TOURS FOR EXONERATION FROM OR
LIMITATION OF LIABILITY AS OWNER
OF THE SALTY DOLPHIN III, 2018
CAROLINA SKIFF, HULL IDENTIFICATION
NUMBER – EKHM0711E818,

Petitioner/Counter-Respondent,

v.

Case No. 8:21-cv-1866-TPB-AAS

DELORIS HENSON,

Claimant/Third-Party Plaintiff,

v.

JOSEPH EUGENE SWEET and
JOSEPH J. CURLEY,

Third-Party Respondents/
Third-Party Defendants.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on March 30, 2022. (Doc. 41). Judge Sansone recommends that Petitioner Joseph Curley's construed motion for clerk's default (Doc. 39) be granted and clerk's defaults be entered against all non-appearing unknown potential claimants who

failed to file or otherwise state a claim by January 7, 2022. No objections to the report and recommendation were filed, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Sansone's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone's detailed and well-reasoned factual findings and legal conclusions. Consequently, Petitioner Joseph Curley's construed motion for clerk's default is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone's report and recommendation (Doc. 41) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Petitioner Joseph Curley's construed motion for clerk's default (Doc. 39) is hereby **GRANTED**.
- (3) The Clerk is directed to enter default against potential claimants who failed to file a claim in this action by January 7, 2022.
- (4) Petitioner Joseph Curley is directed to file a motion for default judgment in accordance with the Middle District of Florida Local Rules.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 19th day of April, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE